NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTHONY CORNELL BEAN,

Petitioner-Appellee/Cross-Appellant,

v.

ARTHUR CALDERON, Warden,

Respondent-Appellant/Cross-Appellee.

Nos. 97-99023, 97-99024

D.C. No. CIV-S-90-0648 WBS GGH

ORDER

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Before: CANBY, O'SCANNLAIN, THOMAS, Circuit Judges.

Judges CANBY and Thomas have voted to deny the petition for rehearing. Judge O'SCANNLAIN has voted to grant the petition for rehearing. Judges CANBY, O'SCANNLAIN, and Thomas have voted to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no judge of the court has requested a vote on it. Fed.R.App.P.35(b).

The petition for rehearing is DENIED and the suggestion for rehearing en banc is REJECTED.